

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

EDWARD L. GILMORE,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 1:13-cv-789 (LO/IDD)
ERIC HOLDER,)	
in his official capacity as)	
Attorney General of the United States,)	
)	
Defendant.)	
_____)	

DEFENDANT'S MOTION TO DISMISS IN PART

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), defendant Eric Holder, Attorney General of the United States, through his undersigned counsel, hereby respectfully moves to dismiss in part the above-captioned action for a lack of subject-matter jurisdiction and a failure to state a claim upon which relief can be granted. The grounds for this motion are more fully explicated in the memorandum of law that has been filed simultaneously with the motion.

Respectfully submitted,

DANA J. BOENTE
ACTING UNITED STATES ATTORNEY

By: _____ /s/
AYANA N. FREE
R. JOSEPH SHER
Assistant United States Attorneys
OFFICE OF THE UNITED STATES ATTORNEY
Justin W. Williams Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3785
Fax: (703) 299-3983
Email: ayana.free@usdoj.gov

DATED: September 27, 2013

Counsel for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing (NEF) to the following:

Bradford Hardin (#76812)
WILMER CUTLER PICKERING HALE AND DORR LLP
1899 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
bradford.hardin@wilmerhale.com
Counsel for the Plaintiff

/s/

AYANA N. FREE
Assistant United States Attorney
OFFICE OF THE UNITED STATES ATTORNEY
Justin W. Williams Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3785
Fax: (703) 299-3983
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